

Article - Alcoholic Beverages

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§4–605.

(a) (1) Except as provided in paragraph (2) of this subsection, a local licensing board shall revoke a license if, after a hearing under § 4–603(b) of this subtitle, an activity listed in this section is found to have occurred on the licensed premises.

(2) The license of a person may not be revoked under paragraph (1) of this subsection if:

(i) the person operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) the performances express matters of serious literary, artistic, scientific, or political value.

(b) An individual may not:

(1) be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(2) be employed or act as a hostess or act in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this subsection;

(3) encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of another individual; or

(4) allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.

(c) With respect to entertainment provided, a person may not:

(1) allow an individual to perform an act of or act that simulates:

(i) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(ii) the caressing or fondling of the breast, buttocks, anus, or genitals; or

(iii) the display of the pubic hair, anus, vulva, or genitals;

(2) subject to item (1) of this subsection, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(3) allow an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this subsection.

(d) A person may not show a motion picture, a still picture, an electronic reproduction, or other visual reproduction depicting:

(1) an act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(2) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(3) a scene in which an individual displays the vulva, anus, or genitals; or

(4) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(e) A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

(f) This section does not allow any conduct or form of attire prohibited by any other statute, ordinance, rule, or regulation.

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